



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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November 13, 2007

Ms. Tajsha LaShore
Federal Transit Administration
Region IV
230 Peachtree Street, NW
Suite 800
Atlanta, Georgia 30303

Subject: EPA Review Comments on
Draft Tier 1 Programmatic Environmental Impact Statement (DPEIS)
Jacksonville Bus Rapid Transit
CEQ No. 20070399

Dear Ms. LaShore:

The U.S. Environmental Protection Agency (U.S. EPA) Region 4 reviewed the subject Draft Tier 1 Programmatic Environmental Impact Statement (DPEIS) pursuant to Section 309 of the Clean Air Act, and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The purpose of this letter is to provide you with EPA's comments on the DPEIS.

The DPEIS assesses the potential environmental impacts of the No-Build Alternative and Build Alternatives for designated bus rapid transit (BRT) corridors in the Jacksonville metropolitan area. There is a clear need to improve mobility in major travel corridors in metropolitan Jacksonville and for transportation and transit improvements, including a wider range of mobility options, to meet increasing travel demand within the corridors. The Preferred Alternative consists of four BRT service corridors extending outward from the Jacksonville Central Business District: Southeast, North, Southwest, and East. The Tier 1 DPEIS examines the potential impacts at a conceptual stage for the entire system but was divided into four corridors for analysis purposes.

The purpose of the Tier 1 DPEIS is to establish a system-wide, high capacity transit mode and general alignment configuration and to identify probable bus transit station areas. The proposed action is limited to the Jacksonville Transportation Authority (JTA) acquiring property for BRT station in locations along the planned BRT system. Upon completion of the review process and the issuance of a Record of Decision (ROD), JTA will have conditional pre-award authority to purchase property around specifically identified station areas using local funds as a local match for a possible future federal project.

EPA supports transit options, including bus rapid transit. Alternative transit options generally reduce the amount of additional air emissions in the transportation corridor relative to the sole reliance on single occupancy vehicles. We also support mass transit (light rail), hybrid transportation alternatives, smart growth approaches, and transit-oriented development for areas targeted for development to ensure that the proposed transit system optimizes regional air quality benefits and minimizes environmental impacts within the corridors.

The environmental and societal impacts associated with the project include: potential impacts relating to contaminated sites, floodplains, wetlands, noise and vibration, community and Environmental Justice impacts, and historic and archeological impacts. Specific comments related to these impacts can be found in our detailed comments (See Enclosed).

EPA rates the action "EC-1"; that is, environmental impacts have been identified relating to contaminated sites, floodplains, wetlands, noise, community/Environmental Justice, and historic and archeological properties that should be further addressed, avoided, or mitigated. Additional information is requested to adequately assess the degree of impacts and to evaluate preliminary minimization and mitigation measures.

Thank you for the opportunity to provide comments. Construction and implementation of the Jacksonville Bus Rapid Transit System should, in the long run, result in improved mobility and enhanced transit options in the Jacksonville metropolitan area. If we can be of further assistance in this matter, or if you have any questions regarding these comments, please contact Madolyn Dominy at (404)562-9644 or Ntale Kajumba at (404)562-9620.

Sincerely,

A handwritten signature in black ink, appearing to read "Heinz Mueller", with a stylized flourish at the end.

Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

Enclosures – Detailed review comments
Summary of Rating Definitions and Follow Up Action

cc: Suraya Z. Teeple, JTA

EPA Detailed Comments
Jacksonville Bus Rapid Transit System
Draft Tier 1 Programmatic Environmental Impact Statement

1. Upon completion of the review process and the issuance of a Record of Decision (ROD), JTA will have conditional pre-award authority to purchase property around station areas using local funds as a local match for future federal funds. The DPEIS states that the property will be purchased at their own risk. 40 CFR Section 1502.2 (f) of the CEQ regulations states that “Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (Section 1506.1).”

Recommendation: EPA agrees that JTA acquisition of property around station locations following the issuance of the Tier 1 ROD will be at the Authority’s own risk. The EIS serves as a means for assessing the environmental impacts of a proposed action, rather than justifying decisions already made. Consequently, it is important that the evaluation of reasonable alternatives not be restricted by any previous property acquisitions (40 CFR Section 1502.2).

2. Executive Summary: The Draft Tier 1 PEIS does not contain a summary of the proposed project. The document states the summary will be contained in the Final PEIS. According to CEQs NEPA Regulations, Section 1502.12, “each EIS shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.”

Recommendation: The DPEIS should comply with CEQ NEPA Regulations 40 CFR Section 1502.12. Failure to present an executive summary during the DPEIS period is not good practice. The document summary enables both decision makers and the public to assess the overall project impacts and make decisions.

3. Alternatives: The Draft Tier 1 PEIS discusses the rapid population growth and the regional employment growth in the area. It states that the “growth will quickly outstrip the transportation network’s ability to keep pace with transportation demand.” The DPEIS also states that for regional mobility to be maintained or improved, new transportation systems must be implemented. The elimination of a light rail transit alternative as part of the system is confusing in light of the purpose and need discussion on the projected rapid population growth in the area, transportation demand, lack of transportation options, limited roadway network capacity, and insufficient transit service. Light rail transit was recommended for further evaluation in earlier studies particularly for the SE and SW corridors. It was then eliminated due to low projected ridership.

Recommendation: The Final Tier 1 PEIS should clarify why light rail options were eliminated due to low ridership given the discussion of projected rapid population growth, transportation demand, etc. There is also no additional information provided on the ridership criteria used in making this decision, what the ridership threshold is, and whether this criteria was applied to all the studied alternatives.

4. Noise and Vibration: A noise screening procedure was conducted in accordance with FTA's Transit Noise and Vibration Impact Assessment (2006). Based on the screening results there are a substantial number of potential noise sensitive sites within 500 feet of each of the proposed BRT corridors. The Southeast, North, Southwest, and East corridors may impact up to 774, 1223, 2495, 794 sites, respectively. The BRT system that is proposed needs to include a detailed noise analysis.

Recommendation: A detailed noise impacts analysis should be conducted during the Tier 2 PEIS and mitigation measures should be included in the document. It should incorporate reasonable and feasible noise mitigation measures into the transit project. Coordination should occur with local officials, affected residents, businesses, churches and institutions to provide helpful information on compatible land use planning, control, and mitigation measures. The EIS should also document what the local noise concerns are and how they will be addressed.

A determination of traffic noise impacts using the impact criteria in 23 CFR 772 *Procedures* should be conducted. Each noise sensitive area should be briefly described (i.e., residences, businesses, schools, parks), including information on the number and types of activities which may be affected. The extent of the impact (in decibels) should be quantified at each sensitive area. A table should be used to compare the predicted levels with the project, the predicted levels without the project, the existing levels, and the noise abatement criteria (NAC) for clarity. The EIS should identify locations where the Noise Abatement Criteria is approached or exceeded and where projected noise levels will substantially exceed the existing noise levels.

The EIS should include a description of barrier and non-barrier noise abatement measures and indicate the estimated costs and decibel reductions. The FEIS should also indicate which abatement measures are "likely" to be incorporated in the project and which are not reasonable and feasible.

5. Environmental Justice: According to the Draft Tier 1 PEIS, the project will traverse areas with high minority and/or low income populations. For example, the North transit corridor consists of 75-100% minority (91% African American) and has a low median household income of \$20,114. The rest of the corridors also have incomes below the County average and several of the station locations are located within the proposed EJ areas. The Draft PEIS states that the additional travel options will benefit EJ populations and the corridor will not have any disproportionate impacts on these communities because they are mainly concentrated along existing roadways.

Recommendation: EPA agrees that EJ populations will benefit from additional travel options provided by the proposed project. While bus rapid transit benefits communities, they are not without their impacts. The EIS should also discuss other potential impacts on these populations associated with relocations due to station and maintenance facilities siting and expansion, localized air emissions (mobile source air toxics) associated with the combustion of diesel fuel and vehicle idling, noise, and neighborhood traffic. Efforts to avoid and minimize adverse impacts to these populations should be discussed in the Tier 2 PEIS. The proposed project also traverses areas with high Latino populations and efforts to ensure that information is presented in both English and Spanish should be made. The EIS should also document public involvement efforts and concerns related to the affected EJ populations. These concerns should be summarized and addressed in the EIS.

6. Floodplains: There are floodplain areas within 600' buffer of each of the adopted BRT corridors (Southeast – 20 acres; North – 4 acres; Southwest – 22 acres; and East – 103 acres). The Draft Tier 1 PEIS states that “Where possible, BMPs will be employed to minimize or avoid floodplain impacts. If impacts are unavoidable, compensatory mitigation for floodplain encroachment will be required if primary flood zones were to be impacted by the proposed development.” Floodplain attenuation could be provided by a variety of measures. The Draft Tier 1 PEIS concludes that the proposed action would use existing infrastructure to accommodate additional stormwater volumes and that floodplain mitigation is not anticipated to be required. There is no conclusive documentation that this would be sufficient to abate floodplain impacts.

Recommendation: A more detailed analysis of floodplain impacts should be conducted during the Tier 2 PEIS and mitigation measures should be included in the document. It should incorporate reasonable and feasible floodplain abatement measures. Coordination should occur with the Federal Emergency Management Agency (FEMA) regarding floodplain abatement and construction guidelines.

7. Wetlands: There are a total of 36.78 acres of wetlands in the Southeast corridor, 2.76 acres of wetlands in the North corridor, 13.69 acres of wetlands in the Southwest corridor, and 8.94 acres of wetlands in the East corridor. The majority of the wetlands in the area are comprised of fresh and saltwater wetlands. Approximately 62 acres of wetlands may be impacted by the BRT system. However, the bus station locations as proposed in the DPEIS would likely result in less wetland impacts.

Recommendation: FTA should consult with the U.S Army Corps of Engineers and the Saint Johns River Water Management District on any jurisdictional determinations. The Tier 2 PEIS should include avoidance, minimization, and mitigation strategies for wetland impacts.

8. Contaminated Sites: According to the Draft Tier 1 PEIS, the proposed project is being developed in a highly urbanized area with a high potential for contaminated soils. The BRT system corridors include several contaminated sites including landfills, a Superfund site, Brownfield areas, and numerous petroleum and dry cleaning facilities. There are six contaminated parcels within the vicinity of the station locations. EPA encourages FTA and JTA to work with the Florida Department of Environmental Protection and local agencies to ensure that appropriate remediation measures are met, if applicable.

9. Archeological and Historic Properties: According to the Draft Tier 1 PEIS, most of the cultural resource surveys conducted are at least ten years old within the four BRT system corridors. There are numerous historic structures within the corridors, some within the vicinity of the proposed station locations. According to the PEIS, the BRT stations are not located on lands that contain historic or potentially eligible structures. The Draft Tier 1 PEIS discusses historic sites which would be impacted by the station locations, and the ongoing Section 106 process efforts. EPA defers to the Florida SHPO and the parties involved in the Section 106 process to consider how to address those potential adverse effects associated with the proposed project. EPA recommends that FTA and JTA include the results of the Section 106 process in the Tier 2 PEIS. EPA encourages continued coordination with the State Historic Preservation Office (SHPO) and/or Tribal Information Preservation Officers. A detailed archeological resource survey should be included in the Final PEIS.

10. Indirect and Cumulative Impacts 4-90 and 91: The indirect and cumulative section is minimal. A discussion of cumulative impacts should occur during the programmatic process. The Tier 2 PEIS should include a more robust discussion of indirect and cumulative impacts. Applicable and significant policy, guidance and procedures for Indirect and Cumulative Effects (ICE) analyses include:

- CEQ Handbook entitled “Considering Cumulative Effects Under the National Environmental Policy Act,” dated January, 1997
- FHWA “Interim Guidance: Questions and Answers Regarding Indirect and Cumulative Impact Considerations in the NEPA Process,” dated January 31, 2003
- “NCHRP Report 403 - Estimating the Indirect Effects of Proposed Transportation Projects”
- “NCHRP 25-25 Task 11 Indirect and Cumulative Impacts Analysis: A Review and Synthesis of the Requirements for Indirect and Cumulative Impact Analysis and Mitigation Under Major Environmental Laws and Regulations”
- FDOT “Secondary and Cumulative Impacts Task (SACIT) Group – Questionnaire #1”

11. Irretrievable and Irreversible Impacts: The Draft Tier 1 PEIS does not include a discussion on irretrievable and irreversible impacts. This issue should be assessed in the Tier 2 PEIS.

12. Environmental Impact Matrix: We recommend that the Tier 2 PEIS include a matrix that summarizes the environmental and socioeconomic impacts. This matrix should be incorporated in the summary and/or alternatives analysis section. In addition, any mitigation commitments should be incorporated in this associated matrix.

SUMMARY OF RATING DEFINITIONS AND FOLLOW UP ACTION*

Environmental Impact of the Action

LO-Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC-Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impacts. EPA would like to work with the lead agency to reduce these impacts.

EO-Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU-Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS date, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1-Adequate

The EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collecting is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2-Insufficient Information

The draft EIS does not contain sufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3-Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640 Policy and Procedures for the Review of the Federal Actions Impacting the Environment